

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION (AKRON)

IN RE:

LINDA S. KRANAK

Debtor

CASE NO. 20-BK-50629

CHAPTER 7

JUDGE: KOSCHIK

LINDA S. KRANAK

Plaintiff

vs

NAVIENT

P.O. Box 9655

Wilkes-Barre, PA 18773

Defendant

ADVERSARY NO:

PLAINTIFF'S ORIGINAL COMPLAINT

Plaintiff, Linda Sue Kranak, by and through counsel, hereby files this Complaint to Discharge Student Loan Debt under a 11 USC 523(a)(8) hardship. The debtor avers the following to be true in support of the requested relief.

JURISDICTION

This is an adversary proceeding in which the Plaintiff is seeking a hardship discharge from student loan obligations under 11 USC 523.

This Court has jurisdiction pursuant to 28 USC §157 and §1334. This is a core proceeding pursuant to 28 USC §157(b)(2)(I) and the Plaintiff has standing to bring this action.

Venue is proper pursuant to 28 USC 1409(a) and ND of Ohio Local Rule 1071-1.

Linda S. Kranak avers the following facts to be true:

BACKGROUND FACTS

1. Linda Kranak's daughter, Kellie Lyn Kranak-Collier (dob 10/31/1977), was married and had three children (Kaytryne, Courtney, and Krysta Collier) with her then-husband, David Dwayne Collier who, at the time, was in the U.S. Navy.
2. David Dwayne Collier was molesting his daughters and, upon the return of his ship to port in Norfolk, VA, in 2004, was immediately arrested and convicted of these heinous crimes.
3. Because of Collier's conviction and sentence, the Navy sent Kellie Collier and her children back to Ohio to live with her parents, Linda and Robert Kranak.
4. Kellie wanted to better her life and care for her children in the vacuum left behind by her husband's incarceration, so she asked her mother to co-sign student loans for an education.
5. Sometime later, a reunification attempt between Kellie and David Dwayne Collier resulted in a fourth child, Christian Collier.
6. David Dwayne Collier died in Burkeville, VA prison in 2015, leaving Kellie Collier a widow to raise her four children with only her parents' help.
7. According to her LinkedIn profile, Kellie Collier attended the University of Akron (2004-2008), Ashford University (2009-2011), and the American Public University System (2012-2015) during the course of her education.
8. Over time, Kellie Collier's relationship with her mother deteriorated and, eventually, the two had no contact with each other. Soon, Kellie Collier concluded there was no reason to pay back her student loans and fully defaulted on all four of them.

9. In 2016, the National Collegiate Student Loan Trust filed two suits against Kellie Collier and Linda Kranak on two defaulted student loans. Kellie Collier ignored the lawsuit while Linda Kranak tried to defend herself pro se in each case. Her defenses were not successful.
10. National Collegiate ended up getting two joint and several judgments against Kellie Collier and Linda Kranak for \$19,980.70 and \$20,068.12, respectively.
11. Linda Kranak, deeply chagrined by this distastefully negative turn of events, dutifully paid off the \$19,980.70 judgment over time, while the \$20,068.12 judgment currently remains unsatisfied.
12. Kellie Collier's Navient loans also immediately went into default, and Linda Kranak was able to stave off two more lawsuits by entering into extended repayment plans. Kellie Collier had no interest in ever paying off any of these four loans, and heartlessly left them to plague her aging parents' finances.
13. On April 7, 2018, Kellie Collier's daughter Courtney overdosed on carfentanil and died in Akron at age 20. This event permanently cemented the estrangement between Kellie Collier and Linda Kranak.
14. Linda Kranak has had almost no contact with Kellie Collier since that time.
15. Yet, through these years, Linda and Robert Kranak's financial state and physical health have begun to decline rapidly, making the possibility of paying on these loans and judgment more and more remote with each passing day.
16. Linda Kranak was diagnosed with degenerative arthritis, peripheral neuropathy, and polymyalgia rheumatica, making it impossible for her to be employed and earn a living at age 63. She was forced to apply early for Social Security and only receives \$992 a month.
17. Robert Kranak is aged 78 and has a very rare, untreatable form of lung cancer. His illness is rapidly progressing and is terminal.

18. Aside from their health issues, the Kranaks have had a long string of bad luck involving expensive car and home repairs. The Kranaks have sold everything they own to pay off all their debt, and rely heavily on charities and relatives for sustenance.

19. Except for the Navient loans, National Collegiate judgment lien, and their sizeable mortgage (\$120,525.00), the Kranaks have almost no debt. They are deeply ashamed that their daughter's callousness has driven Linda Kranak to file bankruptcy at her age over college debt that properly belongs to Kellie Collier.

20. The Kranaks' financial life is never going to improve. The couple has ever-growing medical expenses with numerous doctor visits and medication, and Linda Kranak is physically unable to work for any additional income.

21. Additionally, Robert Kranak's semi-disabled daughter, Kathy Kranak, lives with Robert and Linda Kranak and is partially dependent on them for care and living arrangements.

22. Once Robert Kranak's cancer wins, what little financial stability Linda Kranak currently has will immediately collapse into further hardship. Her income will drop considerably as a surviving spouse, but she will still be caring for Kathy Kranak.

23. Projecting into the future, neither the National Collegiate judgment nor the Navient loans will ever be paid off by Linda Kranak. With each passing day, Linda Kranak is falling further behind and, without relief, will continue to do so.

24. Linda Kranak now humbly requests this Court relieve her of these two student loan burdens.

25. Navient will not be injured by the release of Linda Kranak's obligation on these two loans. Navient can still collect the full amount from Kellie Collier at any time.

26. For these reasons and because she can meet the burden of proof under all three prongs of the Brunner test, Linda Kranak requests a hardship discharge from Kellie Collier's two Navient loans under 11USC§523(a)(8).

Respectfully submitted,



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